

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

DENNIS E. HECKER,

Debtor.

**CHRYSLER FINANCIAL SERVICES
AMERICAS LLC,**

Plaintiff,

v.

DENNIS E. HECKER,

Defendant.

Bankruptcy Case No: 09-50779-RJK

Chapter 7

Adversary Proceeding No.: 09-05019

JOINT STATEMENT OF PARTIES PURSUANT TO LOCAL RULE 7037-1

Pursuant to Local Rule 7037-1 of the Local Rules of the United States Bankruptcy Court for the District of Minnesota, Plaintiff, Chrysler Financial Services Americas LLC (“Chrysler Financial”) and Defendant, Dennis E. Hecker (“Hecker”), through their respective undersigned counsel, respectfully submit this Joint Statement.

BACKGROUND

1. On July 8, 2009, Chrysler Financial commenced this adversary proceeding by filing its Complaint seeking a determination that a portion of Hecker’s debt to Chrysler Financial is nondischargeable pursuant to 11 U.S.C. § 523(a).

2. On November 12, 2009, Hecker served two deposition notices relating to Phenix Investigations, Inc. (“Phenix”), scheduling those depositions for November 20, 2009. Phenix is a

private investigation firm retained by Chrysler Financial's Office of the General Counsel in connection with this litigation. The first deposition notice is directed to the Custodian of Records of Phenix. The second deposition notice is directed to Brian Bauer, the President and CEO of Phenix. Attached to both deposition notices is a demand for production of the following documents:

1. Copies of each and every document (including, but not limited to electronically stored information) which discusses, relates refers to any transactions between Plaintiff Chrysler Financial Services Americas, LLC (hereinafter "Chrysler") and Defendant Dennis E. Hecker (hereinafter "Hecker") or any entity in which Hecker had an interest.
2. Copies of each and every document (including, but not limited to electronically stored information) that you have received or sent to Chrysler relating to or concerning Hecker.
3. All agreements between you and Chrysler relating to services you provided to Chrysler concerning Dennis E. Hecker.
4. Copies of each and every document (including, but not limited to electronically stored information) you have received from Chrysler concerning or related to Hecker.
5. Any and all notes, documents, e-mail communications and writings, from Chrysler to you regarding or relating to the subject matter of this case.
6. Any and all notes, documents, papers, e-mail communications and writings from you to Chrysler regarding or relating to the subject matter of this case.
7. Any and all notes, email communications, documents, statements and writings, you obtained from Cindy Bowser or her representatives regarding or relating to the subject matter of this case.
8. Each and every document (including, but not limited to electronically stored information) you have obtained from any third party not identified above regarding or relating to the subject matter of this case.

3. Pursuant to Local Rule 7037-1, counsel for Chrysler Financial and counsel for Hecker participated in a discovery conference on the afternoon of Friday, November 13, 2009.

4. During the discovery conference, counsel for Chrysler Financial advised counsel for Hecker that Chrysler Financial objected to the depositions of Phenix on various grounds, including attorney work product. Chrysler Financial's counsel further advised Hecker's counsel that if Hecker insisted on proceeding with the Phenix depositions, Chrysler Financial intended to move for a protective order. Counsel for Hecker indicated that he intended to go forward with the Phenix depositions on November 20, 2009.

5. On November 16, 2009, Chrysler Financial filed its motion for an order granting expedited relief and a protective order prohibiting Hecker from taking the Phenix depositions. The hearing on Chrysler Financial's motion is scheduled for November 18, 2009.

6. The parties have been unable to resolve their differences with respect to the Phenix depositions.

November 17, 2009

GRAY, PLANT, MOOTY,
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November 17, 2009

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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MINNESOTA

In Re:)	Case No. 09-50779
)	
DENNIS E. HECKER,)	Chapter 7
)	
Debtor.)	Hon. Robert J. Kressel
Debtor.)	
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CHRYSLER FINANCIAL SERVICES)	
AMERICAS LLC,)	
)	
Plaintiff.)	
Plaintiff,)	Adv. Pro. No. 09-5019
v.)	
v.)	
)	
DENNIS E. HECKER,)	
)	
Defendant.)	
Defendant.)	

CERTIFICATE OF SERVICE

I, Stephen F. Grinnell , hereby certify that on November 17, 2009, I caused the following:

Joint Statement of Parties Pursuant to Local Rule 7037-1

to be filed electronically with the Clerk of Court through ECF, and that ECF will send an e-notice of the electronic filing to the following:

William R. Skolnick	wskolnick@skolnick-shiff.com
Matthew R. Burton	mburton@losgs.com

Dated: November 17, 2009

GRAY, PLANT, MOOTY
MOOTY & BENNETT, P.A.

/s/ Stephen F. Grinnell
Stephen F. Grinnell (#37928)